

REMARKS

The Restriction Requirement states that claims 1-11 and 17-27 (Group I) are drawn to a method of screening incoming packets including methods of tearing, detecting tunnel establishment, tunnel tear down, and requesting tunnel tear down, classified in class 726, subclass 13, claims 12-16 (Group II) are drawn to a method of screening packets including applying policies to determine whether to clear a firewall session, classified in class 726, subclass 12, and claims 28-31 (Group III) are drawn to a method of screening incoming packets and signaling a firewall to alert of an attack, classified in class 726, subclass 11. The Office Action requires election of either Group I, Group II, or Group III for examination. The requirement for election is respectfully traversed and reconsideration is requested.

The Restriction Requirement states that the invention of groups I, II, and III are related as subcombinations usable together in a single combination. The Restriction Requirement also states that the subcombinations in this case are distinct because “subcombination I has separate utility such as allowing the tearing down of a tunnel and removal of the firewall session while subcombination II has separate utility of applying policies to determine whether to request a firewall session clear. Further, subcombination III has separate utility such as the detection and alerting of an attack on the network” (Restriction Requirement – page 3).

In order for a restriction to be proper, the inventions must be independent and there must be a serious burden on the Examiner if the restriction is not made (MPEP § 803). Applicants respectfully submit that a search and examination of all the pending claims can be made without serious burden. Applicants base this on the fact that the claims of Group I, II, and III all involve screening incoming packets and clearing firewall sessions and are all classified in class 726. Reconsideration of the Restriction Requirement and examination of pending claims 1-31 are respectfully requested.

In the event that the Examiner, after considering the above remarks, still believes that election is required, the applicant provisionally elects Group I (claims 1-11 and 17-27) with traverse.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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